IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8474 OF 2004

Mr.M.N. Kulkarni ... Petitioner

Versus

State Bank of India and Ors. Respondents

Mr.Y.S. Jahagirdar, Senior Advocate with Mr. A.P. Kulkarni for Petitioner.

Mr. R.A. Dada, Senior Advocate with Mr. Atul G. Damle for Respondent Nos. 1 to 3.

CORAM : F.I. REBELLO &
MRS R.S. DALVI.JJ.
DATED : DECEMBER 01, 2005

P.C.

. The Petitioner applied for voluntary retirement under the scheme framed by Respondent. It appears that application was rejected, according to the Petitioners, for wrong reasons. The Respondent thereafter appears to have reconsidered the matter and permitted the petitioner to voluntarily retire from 31.3.2001. The Petitioner worked as and upto 30.9.2002.

. It is the case of the Petitioner that by the act

of the respondents in not permitting him to avail of the scheme of V.R.S. and thereafter by giving him benefit of retirement with effect from 31.3.2001 and making deductions from his salary, he has suffered monetary loss and therefore, respondents are bound to give him benefit of the period he has worked less what is to be deducted.

. It is also pointed out that there are about 33 such cases through out India.

. On behalf of the Respondents, their learned counsel makes a statement that the decision to permit the Petitioner and the persons similarly situated as the petitioners was made consequent to the judgement of the Andhra Pradesh High Court. Before this class of persons were permitted to retire, the terms on which they were given benefits were made known to them. Draft of the letter was also circulated. The Petitioner accepted the same and have also acknowledged that they understood the implications of the letter and has given unconditional acceptance. It is therefore, submitted that the Petitioner was aware of what he

was going to receive and accepted the same unconditionally. In these circumstances, this court should not interfere in exercise of extra ordinary jurisdiction.

. We have heard the learned counsel for the parties. The scheme of V.R.S. has been held to be purely contractual. Once that be the case, the parties will be bound by the terms of the contract. In these circumstances, this will not be a fit case for this court to exercise extra ordinary jurisdiction. It is however, made clear that if any other person from the class like petitioner is given any benefit, then the respondent is bound to give that benefit to the petitioner also. With above observations, petition stands disposed of.

. The amount deposited before this court on 13.6.1983 be refunded to respondent on production of the copy of this order. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(MRS. R.S. DALVI,J.)